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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,999	11/30/2001	Lawrence F. Hancock	N0410.70000US00	3909

23628 7590 04/08/2008
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

EXAMINER

CAIN, EDWARD J

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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04/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

The response received 10 January 2008 has been made of record.

Claims 1-9, 11, 14-18, 130-140 and 145-148 are pending.

Claims 1-9, 11, 14-18, 130-140 and 145-148 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-41 of U.S. Patent No. 7,208,122. Although the conflicting claims are not identical, they are not patentably distinct from each other because of reasons of record

Applicants' arguments in traversal appear to focus on the assertion that the patent fails to teach a particle comprising a luminescent polymer. This argument is not persuasive in view of the explicit language of claim 4 of the patent directed to luminescent polymer nanoparticles.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Cain whose telephone number is (571) 272-1118. The examiner can normally be reached on M-F, 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edward J. Cain
Primary Examiner
Art Unit 1796

/Edward J. Cain/
Primary Examiner, Art Unit 1796

<i>Application Number</i> 	Application/Control No.	Applicant(s)/Patent under Reexamination	
	09/997,999	HANCOCK ET AL.	
	Examiner	Art Unit	
	Edward J. Cain	1796	